

REMARKS

In response to the Office Action dated May 6, 2003, Applicants thank the Examiner for careful consideration of this case, and present the above amendments and following remarks.

The Examiner noted Applicants' election of Group I, which Applicants affirm with this response, hereby withdrawing the nonelected claims, without prejudice or disclaimer.

Claims 2 and 44 are objected to because they claim the same limitations. Applicants hereby cancel claim 44.

Claim 47 is rejected under 35 U.S.C. 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants hereby amend claim 47 by removing the word "substantially" to overcome this rejection.

Claims 1, 5, 6, 12 and 13 are rejected under the judicially created doctrine of obviousness-type double patenting over USP 6,426,309.

Applicants hereby file a Terminal Disclaimer to obviate the double patenting rejection over US Patent No. 6,426,309.

Claims 2, 44, 45, 46 and 48-50 were objected to as being dependent from a rejected base claim, and claim 14 was allowed. Based on the above amendments, Applicants believe the base claims are now allowable, and this objection to Claims 2, 44, 45, 46 and 48-50 has thus been overcome.

Applicants have added new claims 51-58, dependent upon allowable claims, and therefore believe these added claims are allowable. Applicants have added no new matter with these claims, as they were submitted in the Specification as filed in substantially the same form, but Applicants erroneously canceled these claims in the preliminary amendment dated 1-11-02.

Based on the above amendments, comments, and terminal disclaimer, Applicants believe the remaining claims are now in condition for allowance.

Version with markings to show changes made

In the Specification

The present application is a division of co-pending U.S. patent application Ser. No. 09/223,670, now U.S. Patent 6,426,309, entitled STORM PROOF ROOFING MATERIAL, filed December 30, 1998.

In the Claims

47. (Amended) The roofing material of claim 5, wherein the protective layer is applied to the upper surface as a [substantially] unitary layer.

51. (new) The roofing material of claim 2 which meets a UL 2218 Class 4 impact resistance standard.

52. (new) The roofing material of claim 1 which, after aging by 60 days exposure to alternating cycles of concentrated solar radiation and water spray, then cooled to 14°F (-10°C) and subjected to a UL 2218 Class 4 impact, exhibits improved adhesion of the granules as measured by at least about 30% less granule loss in the area of impact compared with the same roofing material without the protective coating.

53. (new) The roofing material of claim 6 in which the protective coating has an average thickness of at least about 1 mil (0.025 mm).

54. (new) The roofing material of claim 6 in which the protective coating comprises an adhesive.

55. (new) The roofing material of claim 6 in which the coating material is selected so that the granules adhere to the coating material predominantly by polar bonding.

56. (new) The roofing material of claim 6 in which the coating material is selected from the group consisting of ethylene-vinyl acetate copolymers, ethylene-vinyl acetate copolymers modified with styrene-butadiene-styrene block copolymers,

ethylene-ethyl acetate copolymers, ethylene-n-butylacrylate polymers, ethylene-methacrylate polymers, styrene-isoprene-styrene block or graft copolymers, styrene-butadiene-styrene block or graft copolymers, other styrene-containing block or graft copolymers, polyamide terpolymers, hydrocarbon rubbers, polyethylenes, polyesters, polyurethanes, siloxanes, and mixtures of these materials.

57. (new) The roofing material of claim 14 in which a substantially continuous layer of the protective coating is maintained between the asphalt coating and at least about 30% of the granules that penetrate the asphalt coating.

58. (new) The roofing material of claim 14 in which the protective coating completely envelops a number of the granules within the range of from about 0.5% to about 6% of the total granules.